

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

All Cases Not Designated In
Paragraphs 2 or 3 of CMO-1

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS' MOTION FOR APPROVAL OF A SHORT FORM COMPLAINT AND
INCORPORATION OF SEALED MATERIALS BY REFERENCE**

Plaintiffs respectfully request that the Court enter the attached Proposed Order approving of a procedure for streamlining the filing of complaints in this Court.

On July 13, 2018, the Court entered an Order Regarding Plaintiffs' Motion for Modification of CMO-1 (docket no. 739), which required Plaintiffs to amend their complaints utilizing ARCOS information to add or dismiss defendants. Because the ARCOS data has been deemed confidential, the need for such amendments would likely result in hundreds of filings under seal. The Plaintiffs' Executive Committee respectfully moves for approval of a Short Form to streamline the process for filing amended complaints.

Use of a Short Form complaint for amending complaints allows Plaintiffs, if they choose, to: 1) add or dismiss defendants based on their review of the ARCOS data; 2) incorporate by reference common factual allegations and the federal RICO causes of action, and 3) incorporate by reference their prior complaint and the claims contained

therein, without filing these amended complaints under seal or repeating the allegations contained in their original complaints.

Allowing Plaintiffs to use the proposed Short Form to amend their complaints would ensure that no amendments would need to be filed under seal. Specifically, the Short Form complaint proposed as Exhibit A in the attached Proposed Order allows a plaintiff to add or dismiss defendants without reciting ARCOS data that is subject to the Court's confidentiality order. In addition, a plaintiff would be able to incorporate by reference the common factual allegations and RICO claims set forth in *County of Summit, Ohio* case, number 1:18-op-45090 (see docket nos. 513, 514). The proposed Short Form complaint also allows a plaintiff to supplement its previously-filed complaint by incorporating by reference the claims and plaintiff-specific allegations contained therein.

Entry of the Order requested would serve the interests of judicial efficiency for the parties and for the Court. In addition to the 62 civil actions transferred to this MDL No. 2804 upon its inception, over a thousand cases relating to this MDL No. 2804 have been filed in or transferred to this MDL Court as "tag along" cases, and more cases may be filed in or transferred to the subject MDL proceedings in the future.

In light of the volume of complaints filed to date that will be amended in the future, and in order to eliminate the burdens of sealing pleadings that are subject to protective orders, Plaintiffs respectfully request entry of an order streamlining the amendment procedure and allowing incorporation by reference of certain sealed materials.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant Plaintiffs' Motion for Approval of a Short Form Complaint and Incorporation of Sealed Materials by Reference.

Dated: November 19, 2018

Respectfully submitted,

By: s/Peter H. Weinberger
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

s/Peter H. Weinberger
Peter H. Weinberger
Plaintiffs' Co-Liaison Counsel